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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/348,494 | 07/07/1999 | KJELL GUSTAFSSON | 040070-244 | 5321 |

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EXAMINER

LY, NGHI H

ART UNIT PAPER NUMBER

2682

DATE MAILED: 07/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Ne

Advisory Action

Application No.

09/348,494

Applicant(s)

GUSTAFSSON ET AL. 

Examiner

Nghi H. Ly

Art Unit

2682

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 03 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: _____.
3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See the attached "Response to argument".
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 3-5 and 14-16.

Claim(s) objected to: _____.

Claim(s) rejected: 1-2, 6-13 and 17-20.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 07/12/02 have been fully considered but they are not persuasive.

Applicant argues that "antennas receive radio signals, but they do not involve processing and therefore cannot be described as frequency processing circuits."

In response, it is clear that the antenna 18a in Conner et al has a function to receive electromagnetic wave from the air, convert electromagnetic wave into electrical RF wave, and couple the converted RF electrical wave to the transceiver circuit. Therefore, the antenna disclosed in Conner et al is a frequency processing circuits.

Applicant further argues that "taking this motivation and the specific teaching of using one RF FM receive 13 with two antenna 18 and 20, the only modification the Conner et al. patent would suggest to prior art Figure 3 of present applicant is a modification which would result in something more akin to prior art figure 2 where there are two antenna and one RF processor."

In response, the Examiner disagrees. The Applicant's admitted prior art (see fig.3) teaches everything (two antennas and two RF processors) except the control signal ON/OFF for controlling the RF processing. The Conner et al teaches only one of a frequency processing circuits is always connected to the receiver, and the other frequency processing circuits is switched ON/OFF base on control signal (see Conner column 1 lines 50-59 which states "Switching circuitry closes or opens the switch to connect one antenna or plurality of antennas to the rest of the receiver circuitry when

Art Unit: 2682

the signal strength drops below a certain threshold"). Since the opening and closing states of the frequency processing circuit 18A is determined based on the quality of the received signal, the frequency processing circuit 18a must based on a determination as to whether diversity is appropriate. Therefore, the combination figure 3 of Applicant's admitted prior art and the teaching of Conner et al teaches Applicant's figure 4.

In addition, the examiner believes that in this case it is very important to characterize what the combination of the admitted prior art of figure 3 and Conner results. After the combination of the admitted prior art of figure 3 and Conner is made, the RF processing circuit 330 of the modified admitted prior art of figure 3 will be ON at all times (*as suggested by Conner because the circuit 20 in Conner is ON at all times*); the RF processing circuit 332 of the modified admitted prior art of figure 3 will be ON or OFF based upon whether the diversity is appropriate (*as suggested by Conner because the circuit 18 in Conner is either ON or OFF based upon whether the diversity is appropriate. More specifically, if the signal strength is low then the diversity is needed*). Therefore, it is apparent that after the combination of the admitted prior art of figure 3 and Conner is made, the modified admitted prior art of figure 3 discloses all the claimed limitations.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

Art Unit: 2682

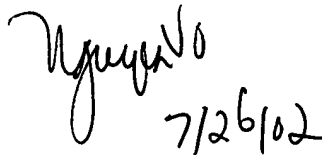
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Nghi Han Ly



July 26, 2002



7/26/02

NGUYEN T. VO
PRIMARY EXAMINER